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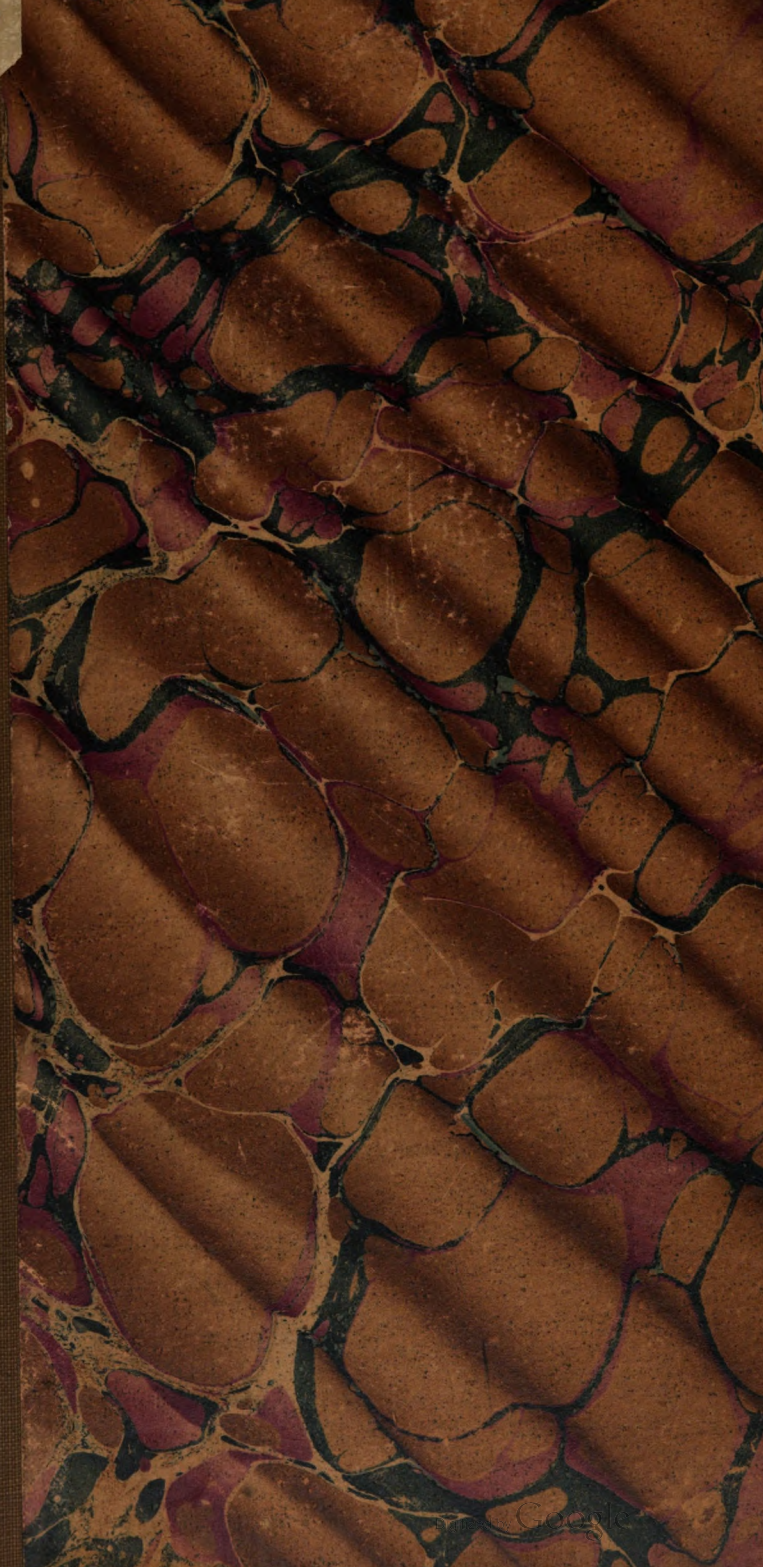
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Somerville - By-Laws - 1855

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BY-LAWS

OF THE

TOWN OF SOMERVILLE,

AS PROPOSED

BY THE COMMITTEE.

PRINTED

BY ORDER OF THE TOWN,

BY LEARNED, TOMPSON & CO., 86 STATE STREET, BOSTON.

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TOWN MEETINGS.

SECTION 1. All meetings shall be by legal notices, to be left at the dwelling of each legal voter at least six days prior to the time at which said meeting is to be held; and such notices shall specify the business to come before said meeting, and no business not inserted in such notice shall legally come before said meeting.

SEC. 2. All warrants, for Town Meetings, shall be under the hands of the Selectmen, and served upon the inhabitants by any constable of the town, or other person appointed by the Selectmen.

SEC. 3. The Selectmen shall insert in the warrant all subjects which may in writing, be requested of them, by any ten or more voters of the town.

SEC. 4. The polls shall be opened at the time specified in the warrant; and the time for closing the same shall be determined at the meeting by vote of those there assembled and authorized to vote.

SEC. 5. At all Town Meetings, except those held for the election of Governor, Lieutenant Governor, Senators, Representatives in the General Court, Representatives in Congress, Electors of President, and Vice President of the United States, and County Commissioners, a Moderator shall be first chosen.

SEC. 6. At all meetings for the election of Governor, Lieutenant Governor, Senators, Representatives in the General Court, Representatives in Congress, Electors of President and Vice President of the United States, and County Commissioners, the Selectmen shall preside.

SEC. 7. If any person shall conduct himself in a disorderly manner, and after notice from the Moderator, shall persist therein, the Moderator may order him to withdraw from the meeting, and on his refusal, may order the constables, or any other persons, to take him from the meeting and confine him in some convenient place, until the meeting shall be adjourned; and the person so refusing to withdraw, shall, for such offence, forfeit a sum, not exceeding twenty dollars, to the use of the Town.

TO PREVENT UNLAWFUL AND INJURIOUS PRACTICES.

SECTION 1. No person, other than the Surveyors of Highways, in the lawful performance of their duties, and those acting under their orders, shall break or dig up the ground or dirt in any street, lane or alley, or on any common in the Town, or place any obstructions in said streets, lanes or alleys, or in any way obstruct by stones, brick, timber or other building materials, such streets, lanes, alleys, or side-walks bordering the same, unless authorized by written license from the Selectmen, and complying in all respects with the condition of such license.

SEC. 2. And the Selectmen are authorized to grant any such licenses for the obstruction of any streets,

lanes, alleys, or sidewalks, *provided* the person so licensed shall put up, and at all times, while so obstructed, keep in repair, a suitable railing or fence round the parts so obstructed, as long as the same shall continue to be incumbered; and every night, from twilight through the night, he shall keep one or more lighted lanterns fixed to such fence or railing, as long as such fence or railing shall be kept standing; and after the removal of such obstructions, shall within a reasonable time amend and repair such street, lane, alley, or sidewalk or other public place, to the acceptance of the Selectmen.

SEC. 3. No person shall erect any door-step, porch entrance, or passage way to any cellar or basement, or any other structure in or upon any street, lane, alley, or side-walk, without permission in writing from the Selectmen.

SEC. 4. No person shall suffer the platform or grate of the entrance or passage-way to his cellar or basement heretofore constructed, or which may hereafter be constructed in any street, lane, alley or sidewalk, to rise above the even surface of such street, lane, alley or sidewalk; and every such entrance or passage way, shall be at all times kept covered by a suitable platform or grate, or guarded and protected while open.

SEC. 5. No person shall obstruct any sidewalk by handcart, wheelbarrow, handsled, or any carriage of burthen or pleasure, or permit any horse, cow, or other beast under his care, to go upon any sidewalk to interfere with the convenient use of the same by all passengers. Nor make, erect, or maintain any gate in or upon any street, lane, alley or sidewalk, in such a manner as

when opening the same, it shall swing over any part of such street, lane, alley or sidewalk.

SEC. 6. In streets where there are no laid sidewalks, five feet in width, next adjoining the lands of the abutments, on each side of said street, shall be deemed and taken to be the sidewalk of the same.

SEC. 7. No person shall put, or cause to be put, in or upon any street, lane, alley, or other public place in the town, any house-dirt, offal, ashes, garbage, carrion, shavings, oyster, clam, lobster shells, or rubbish of any kind, except in such place and in such manner as may be directed by the Selectmen.

SEC. 8. No person shall suffer his firewood, coal, or other fuel, to remain unnecessarily on any sidewalk, or in any street, lane or alley; and if, from necessity, the same must remain after twilight, the owner of the same shall place and keep a sufficient light over and near the same, through the night, to prevent injury to travellers.

SEC. 9. No person shall move any house, shop, or other building, through any street, lane or alley, or over any bridge, unless notice shall first be given to the Selectmen of the contemplated route, and their license shall have been obtained for such removal.

SEC. 10. No person shall throw, or cause to be thrown, from his yard or premises, any snow or ice into any street, lane or alley, without causing the same to be broken up and spread evenly over the surface of such street, lane or alley.

SEC. 11. No person shall injure, deface or destroy any guide-post or lamp-post, or lamp or lantern thereon, or any street-sign, tree, fence, building, or other thing set, erected or made, for ornament or use of the town, or benefit of travellers.

SEC. 12. No horse shall be turned out loose, or suffered to go at large, without a suitable person to lead or drive him, and no person shall permit any horse, swine, goats, cows, or other neat cattle, to graze in any street, lane, alley, or go at large therein.

SEC. 13. No person shall blast any rock or other material with gunpowder, or other explosive substance, at any place within fifty rods of any highway or public place in Town, without license in writing, from the Selectmen; *provided*, however, that the remedy of any person injured by said blasting shall not be effected by this license, nor shall it apply to the Surveyors of Highways in the discharge of their official duties.

SEC. 14. No person shall behave in a rude or disorderly manner, or use any indecent, profane or insulting language in any street, lane, alley, or other public place, to the annoyance and disturbance of any person, or make any indecent figures, or write any indecent or obscene words upon any fence, building, post, or other public place in Town.

SEC. 15. No person shall ride or drive any horse or horses attached to a vehicle of any description, either of burden or pleasure, or cause the same to be rode or driven in any street, lane or alley, or over any bridge in the Town at an immoderate gait, so as to endanger or expose to injury any person, standing, walking or riding, in or on the same.

SEC. 16. No person shall fire any squib, cracker, rocket, serpent, or other preparation whereof gunpowder is an ingredient, or which consists wholly of the same, or make any bonfire in or upon any street, lane or public place within the Town.

SEC. 17. Any person offending against any of the provisions of this chapter shall forfeit and pay, for each and every offence, a sum not less than one dollar, nor more than twenty dollars.

TO PREVENT NUISANCES AND CAUSES OF SICKNESS.

SECTION. 1. The Board of Health shall have power to carry into execution all rules and regulations necessary for the removal of all nuisances, sources of filth, causes of sickness, and all else that may affect the comfort and health of the inhabitants, which do or may exist within the limits of the Town, subject to the direction and control of the Selectmen; and it shall be the duty of said Board of Health to cause all such nuisances, sources of filth and causes of sickness to be prevented, removed or destroyed, as the case may require; and to this department shall belong the care of the common sewers, drains and vaults, and whatever else may affect the health and comfort of the Town, from causes arising or existing within its limits.

SEC. 2. There shall be appointed by the town annually, one or more physicians, whose duty it shall be, in case of any alarm by any contagious, infectious or dangerous disease occurring in the Town or its neighborhood, to give the Selectmen their advice and information, with a view to the prevention of the spread of such disease, and to aid and assist them, by counsel and advice, in all matters relating to the preservation of the health of the inhabitants.

SEC. 3. Each and every tenement that is, or may hereafter be used as a dwelling house, shall be provided with a sufficient drain, under ground, to carry off the waste water, and also with a suitable privy and vault, of sufficient capacity, in proportion to the number of the inhabitants of such tenement; and for any offence against the foregoing section, the owner or owners of each and every tenement so used as aforesaid, shall forfeit and pay a sum not less than five dollars, nor more than twenty dollars, for each and every week during which said tenement, or any part thereof, shall be used as a dwelling house.

SEC. 4. If the Selectmen shall, at any time, be satisfied that any tenement, used as a dwelling house, is not provided with a suitable privy and vault and drain, or either of them as aforesaid, and in their opinion it shall be necessary for the public health, they may give notice in writing to the owner thereof, or his agent, requiring such owner or agent, within such time as they shall appoint, to cause a proper and sufficient privy and vault and drain to be constructed for such tenement; and, in case of neglect or refusal to obey such notice, the Selectmen shall have power to cause such privy and vault and drain to be made for such tenement, the expense of which shall be paid by such owner or agent.

SEC. 5. If any cellar lots or vacant grounds are in a state of nuisance, or so situated that they may become such, and the health of the inhabitants be endangered, it shall be the duty of the Selectmen, and they shall be authorized to cause a notice in writing to be served upon the owner thereof, or his agent, to have said nuisance, or cause of nuisance, removed, by draining,

filling up, or otherwise, as prescribed in such notice; and in case of neglect or refusal to obey such notice, the Selectmen shall have power to remove the same, by draining, filling up, or otherwise, as shall be deemed by them expedient, and said owner or agent shall defray and pay the expense thereof.

SEC. 6. No person shall throw, or cause to be thrown or cast into any street, lane, alley, pond, creek or river, any filth of any kind, or any animal or vegetable matter or substance, or any dead animal or foul or offensive substances, within the limits of the Town, and all such substance so thrown or carried from any house, shop, cellar, yard, or other place, shall be removed at the expense of the owner or occupant of the house, shop, or other place whence the same were thrown or carried, within two hours after personal notice in writing to that effect given by the Selectmen.

SEC. 7. All manure, offal, rubbish, or filth of any kind, or any animal or vegetable substance of any kind, in any house, warehouse, cellar, yard, or other place which the Selectmen or Board of Health shall deem necessary for the health of the inhabitants to be removed, shall be carried away therefrom by and at the expense of the owner or occupant of such house or other place where the same shall be found, and be removed to such place as he shall be directed, within four hours after notice in writing to that effect from the Selectmen; and if said owner or occupant shall neglect or refuse to obey such notice, the Selectmen shall cause the same to be removed at the expense of said owner or occupant.

SEC. 8. No person shall keep swine in any part or parts of the Town where it shall be deemed by the Se-

lectmen to be detrimental to the health or comfort of the inhabitants of the neighborhood thereof, residing or passing, and they shall have power to remove or cause to be removed any swine from any place where the keeping of such are prohibited, and any person who shall keep any swine in any place in which such animals are prohibited to be kept, or from whence he is required to remove the same six hours after receiving notice from the Selectmen, in writing, to remove the same, shall forfeit and pay the sum of three dollars for each and every swine so kept, for each and every day during which he shall so keep the same or any of them.

SEC. 9. The Selectmen, or Board of Health, or any person authorized by either of them for that purpose, shall and may, at any time between sunrise and sunset, enter into any building and upon any premises, for the purpose of examining into, destroying or removing any filth, nuisance or cause of sickness therein, and if any person shall refuse to admit such officer or person so authorized into said building or upon said premises, the officer or person authorized shall, on oath, complain to any Justice of the Peace within the Town, and shall apply for his warrant according to the statute in such case made and provided, and shall thereupon proceed, under the authority of said warrant, to examine such building or other place, and to destroy, remove or prevent any nuisance, source of filth or cause of sickness as may be found there, in such manner as he may be directed.

SEC. 10. No burial ground or cemetery shall hereafter be enlarged or established in the Town, nor shall any dead body be buried in any place within the limits of the Town, other than such as shall have been estab-

lished or used as a cemetery before the passage of this Act, unless permission shall have been previously obtained of the Selectmen.

SEC. 11. The top of each and every coffin deposited in the ground in any such burial place, shall be at least four feet below the usual surface of the ground thereof, and no old graves shall be reopened for the interment of the dead, without permission from the Selectmen.

SEC. 12. Any offensive trade or employment becoming a nuisance, and cause of complaint to the inhabitants, shall, on being so represented to the Selectmen, be visited by them, and if they shall deem the same offensive or dangerous to the public health, they shall assign certain places to which the same shall be removed, and shall forbid the exercise of them in all places not so assigned.

SEC. 13. Any person, offending against any of the provisions of this Chapter to which a particular penalty is not annexed, shall forfeit and pay, for each and every offence, a sum not less than three dollars nor more than twenty dollars.

RESTRAINING THE GOING AT LARGE OF DOGS.

SECTION 1. No dog shall be permitted to go at large from and after the 10th of August, 1855, in any street, lane, alley or public place in town, until the owner or keeper of such dog shall have paid to the Town Treasurer one dollar for a license for such dog to go at large, and shall cause a collar to be constantly worn by such dog, having the owner's name engraved or legibly marked

thereon, and the Treasurer shall keep a record of all persons to whom such licenses shall be granted.

SEC. 2. The licenses which shall be issued as aforesaid, shall endure for one year after the time of issuing the same and no longer, but they may be renewed thereafter annually, on payment to the Town Treasurer of the like sum of one dollar, and complying with the other requirements in the first section of this chapter; and in case any dog shall be found loose or going at large, contrary to the provisions of this chapter, the owner or keeper shall forfeit and pay a sum not exceeding ten dollars.

SEC. 3. On complaint made to the Selectmen of any dogs within the limits of the Town, which shall, by barking, howling, biting, or in any other way or manner, disturb the quiet of any person or persons whatever, they shall, on such complaint, issue notice thereof to the person keeping or permitting such dog to be kept, or to the owner thereof, and in case such person or owner, for the space of three days after such notice neglect to cause such dog to be removed, he or she shall forfeit and pay a sum not exceeding fifty cents for every day which shall elapse until said dog shall be removed or destroyed as aforesaid. *Provided*, that the Justice, before whom such complaint shall be heard, shall be satisfied that such dog has or does disturb the quiet of any person or persons in town.

SEC. 4. If any person, convicted under the provisions of the third section of this chapter, shall still refuse to destroy his or her dog, or neglect so to do after notice to that effect, or if any dog of which no owner or keeper shall be discovered, or whose owner or keeper shall refuse or neglect to take out a license for such dog,

shall be found going at large contrary to the provisions of this chapter, it shall be lawful for the Selectmen to cause such dog or dogs to be destroyed.

SEC. 5. Nothing contained herein shall extend to any dogs not owned or kept within the limits of the town, excepting however, it shall be the duty of the Selectmen, at all times, to cause every dog to be destroyed wherever owned or kept, going at large within the town, not having a collar about his neck, with the name of the owner or keeper, and his place of residence legibly marked on the same, agreeably to the Revised Statutes of the Commonwealth, chapter fifty-eighth.

FIRE DEPARTMENT.

SECTION 1. The Fire Department shall consist of an Engineer, and one or more Assistant Engineers, and as many Engine men, Hosemen, and Hook and Ladder men, to be divided into companies, as the number of engines, and number and quantity of other fire apparatus shall from time to time require.

SEC. 2. The Engineers and Assistant Engineers shall be chosen annually, by ballot, by the Selectmen, and shall hold their offices for one year, or until others shall be chosen in their places.

SEC. 3. The Engineer shall have the superintendence and control of the engine or engines, hose, hook and ladder, and all other fire apparatus belonging to the town, and over all officers and members of the Fire Department, and over all other persons present at fires, and compel

their assistance in extinguishing fires or removing the goods or furniture from the premises, and may make any such rules and regulations for the government, discipline and good order of the department as he may deem expedient for the extinguishment of fires and the protection of property.

SEC. 4. It shall be the duty of the Chief Engineer to examine into the condition of the engines, and all other fire apparatus, engine-houses, and places of deposit of said apparatus, and all reservoirs belonging to the Town and used for the purposes of the Fire Department, as often as may be deemed expedient, and report the same to the Selectmen.

SEC. 5. In case of the absence of the Chief Engineer, the Assistant Engineer, next in rank, shall assume all the duties of the Chief, and be respected and obeyed accordingly.

TRUANT CHILDREN, AND ABSENTEES FROM SCHOOL.

SECTION 1. Any minor, between the ages of six and fifteen years, who has not attended, or who does not attend school in conformity to the laws of this Commonwealth, and all habitual truants and absentees from school, that are about town without any regular and lawful occupation, shall be punished by fine not exceeding twenty dollars, or committed to some proper place of security, or such institution of instruction or reformation as may be assigned by the town; at the discretion of the Justice of the Peace having jurisdiction in the case.

SEC. 2. All complaints made under this act shall be made by persons appointed by the town at their annual meeting, who alone shall have authority to make the complaint to the Justice of the Peace, and to carry into execution the judgment of said justice.

SEC. 3. All fines, imposed for breach of any of the foregoing By-Laws, shall be paid to the Town Treasurer, for the use of the Town, and shall be collected by complaint before any Justice of the Peace within the County.

The Committee to whom was referred the subject of a CODE OF BY-LAWS for the Town, reported the foregoing; whereupon it was *voted*, That the same be printed and distributed, and action taken thereon at the next Town Meeting.

JOHN K. HALL,	}	<i>Committee.</i>
E. C. PURDY,		
H. A. SNOW,		



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